

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

TONYA MARIA MANNINA

Plaintiff,

v.

SAFEWAY COMPANY,

Defendant.

Case No. 1:18-cv-00693-RGA

DEFENDANT’S MOTION TO DISMISS PLAINTIFF’S COMPLAINT

Defendant Safeway Inc. (hereinafter, “Defendant”) (incorrectly identified above as “Safeway Company”), by and through its undersigned attorney, move for an order dismissing Plaintiff’s Complaint pursuant to Federal Rules of Civil Procedure 12(b)(4) and 12(b)(5). Defendant respectfully submits that such relief is warranted for the reasons set forth in the accompanying memorandum of points and authorities, which is incorporated herein by reference.

Respectfully submitted,

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.

By: /s/ Dean J. Shauger
Dean Shauger, Bar No. 6204
1735 Market Street, Suite 3000
Philadelphia, PA 19103
Telephone: 215-995-2800
Facsimile: 215-995-2801
dean.shauger@ogletreedeakins.com

Dated: January 30, 2019

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was electronically filed with the Clerk of Court on this 30th day of January, 2019, with a copy served by United States mail, postage prepaid to:

Tonya Maria Mannina, *pro se*
c/o Natalie Ann Watson
2319 Taggart Court
Wilmington, DE 19810

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.

By: /s/ Dean J. Shauger
Dean Shauger, Bar No. 6204
1735 Market Street, Suite 3000
Philadelphia, PA 19103
Telephone: 215-995-2800
Facsimile: 215-995-2801
dean.shauger@ogletreedeakins.com

Attorney for Defendant